

**Proposed Rule**  
LSA Document #10-107

DIGEST

Adds [512 IAC 2](#) to govern the operation of virtual charter schools, to establish when the article applies, to establish definitions under this article, and to set forth the establishment and operation of virtual charter schools. Effective 30 days after filing with the Publisher.

[IC 4-22-2.1-5 Statement Concerning Rules Affecting Small Businesses](#)

[512 IAC 2](#)

SECTION 1. [512 IAC 2](#) IS ADDED TO READ AS FOLLOWS:

**ARTICLE 2. VIRTUAL CHARTER SCHOOLS**

**Rule 1. Application**

[512 IAC 2-1-1 Application](#)

Authority: [IC 20-24-7-13](#)

Affected: [IC 20-24-7](#)

**Sec. 1.** This article applies to all virtual charter schools beginning with the 2011-2012 school year.

(Department of Education; [512 IAC 2-1-1](#))

**Rule 2. Definitions**

[512 IAC 2-2-1 Definitions](#)

Authority: [IC 20-24-7-13](#)

Affected: [IC 20-18-2-13](#); [IC 20-19-2-2](#); [IC 20-19-3-1](#); [IC 20-24-1-4](#); [IC 20-43-4-2](#)

**Sec. 1.** The following definitions apply throughout this article:

- (1) "ADM" means the average daily membership determined under [IC 20-43-4-2](#).
- (2) "Charter school" has the meaning set forth in [IC 20-24-1-4](#).
- (3) "Department" refers to the department of education established by [IC 20-19-3-1](#).
- (4) "Parent" has the meaning set forth in [IC 20-18-2-13](#).
- (5) "State board" refers to the Indiana state board of education established by [IC 20-19-2-2](#).
- (6) "Virtual charter school" has the meaning set forth in [IC 20-24-7-13](#).

(Department of Education; [512 IAC 2-2-1](#))

**Rule 3. Establishment and Operation**

[512 IAC 2-3-1 Establishment](#)

Authority: [IC 20-24-7-13](#)

Affected: [IC 20-24-7](#)

**Sec. 1. (a) A virtual charter school must be established under and in accordance with [IC 20-24](#).**

**(b) A virtual charter school is subject to all of the requirements of [IC 20-24](#).**

*(Department of Education; [512 IAC 2-3-1](#))*

#### **[512 IAC 2-3-2](#) Student assessments**

**Authority: [IC 20-24-7-13](#)**

**Affected: [IC 20-24-7](#); [IC 20-32-4](#); [IC 20-32-5-4](#)**

**Sec. 2. (a) A virtual charter school shall administer the Indiana statewide testing for educational progress program established by [IC 20-32-5](#) and [511 IAC 5-2](#).**

**(b) If a virtual charter school is a high school, the school shall administer the graduation examination established by [IC 20-32-4](#) and the biology I end of course assessment established by [IC 20-32-5-4](#).**

**(c) A virtual charter school will provide reasonable access for students to take assessments in accordance with the rules and guidelines established for the administration of such tests.**

*(Department of Education; [512 IAC 2-3-2](#))*

#### **[512 IAC 2-3-3](#) Policies; notice**

**Authority: [IC 20-24-7-13](#)**

**Affected: [IC 20-24-7](#)**

**Sec. 3. (a) A virtual charter school shall adopt policies on the following:**

- (1) Access and availability of teachers to students and parents.**
- (2) Provisions for training parents or other adults that supervise students.**
- (3) Costs, availability, delivery, maintenance, and return of hardware and software.**
- (4) Technology plan, including the acceptable use policy.**
- (5) Access to state and local student assessments.**

**(b) A virtual charter school shall:**

- (1) notify parents of the policies established under subsection (a); and**
- (2) make these policies available for the parents of prospective students.**

*(Department of Education; [512 IAC 2-3-3](#))*

#### **[512 IAC 2-3-4](#) Enrollment and attendance**

**Authority: [IC 20-24-7-13](#)**

**Affected: [IC 20-24-7](#)**

**Sec. 4. (a) At least seventy-five percent (75%) of the students enrolled in the virtual charter school must have been included in the ADM count for the previous school year.**

**(b) A virtual charter school shall follow the department's procedures to verify whether a student to be enrolled in the virtual charter school was included in the ADM count of the previous school year.**

**(c) If a virtual charter school enrolls a student who was included in the ADM count for the previous school year and that student subsequently withdraws, the virtual charter school is not required to terminate enrollment of a student who was not included in the ADM count of the previous school year in**

order to comply with the proportionate enrollment requirements of subsection (a). However, the virtual charter school shall not enroll additional students not included in the ADM count of the previous year until the school complies with subsection (a) by enrolling additional students who were included in the ADM count of the previous school year.

(d) A virtual charter school shall not include a student in the ADM count for the current school year unless the school is providing educational services to the student on the ADM count date. Educational services include the following:

(1) Instruction in an approved course or curriculum under the direction of a teacher.

(2) Affirmative steps necessary to provide instruction, such as the following:

(A) Delivery of computer hardware.

(B) Training in the use of the hardware and necessary software.

A virtual charter school is not providing educational services to a student if it has only accepted, processed, or approved a student's application but has not yet provided instruction or taken affirmative steps to provide instruction to the student.

(e) A virtual charter school shall document and report to the department the attendance of its students consistent with the department's reporting requirements or other reporting method approved by the department.

(Department of Education; [512 IAC 2-3-4](#))

[Notice of Public Hearing](#)

Posted: 05/26/2010 by Legislative Services Agency

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